

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

JOSE MARTINEZ-DIAZ,

Defendant.

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16-CR-387-10 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

In light of the circumstances surrounding COVID-19, the Court is unable to hold the upcoming sentencing in this case in person. Counsel are directed to confer and, **within two business days of this Order**, submit a joint letter indicating their views on whether sentencing should proceed now or if it should be adjourned (and, if so, for how long). If either party believes that sentencing should proceed now, the letter should address (1) whether the Court may proceed by telephone or videoconference pursuant to Section 15002 of the CARES Act and the Chief Judge's related Standing Orders; (2) whether the Defendant consents to appearing in that manner and/or to waiving his/her appearance altogether. If the Defendant is detained, counsel should also identify the facility in which the Defendant is held. And if the Defendant is not detained, counsel should indicate whether the Defendant would be capable of participating in a telephone or videoconference.

After reviewing the parties' joint letter, the Court will issue an order indicating whether the sentencing is adjourned and addressing any other relevant deadlines and information. If the sentencing is held, it will be by telephone or video, albeit perhaps at a different time. To that end, if counsel believe that sentencing should proceed now, they should indicate in their joint letter dates and times during the week of the currently scheduled proceeding that they would be available for a telephone or videoconference sentencing. In either case, counsel should review and comply with the Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>.

SO ORDERED.

Dated: June 29, 2020
New York, New York



JESSE M. FURMAN
United States District Judge